

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: VAN DECKER, Gerald, W., E.; WATTS, Colin, M.  
Serial No.: not yet assigned  
Filed:  
Title: HELICAL COIL-ON-TUBE HEAT EXCHANGER  
Examiner: not yet assigned  
Attorney Ref.: PAT 976-2 US

February 18, 2004

**Mail Stop DD**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450  
U.S.A.

Dear Sir:

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, the applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

**I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION**

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449, attached hereto.

**II. COPIES**

**(check at least one box)**

- ☐ a. Submitted herewith is a legible copy of (i) each U.S. and foreign patent and application; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- ☒ b. As this application was filed after June 30, 2003, no U.S. patent or published application copies are enclosed. Where applicable, submitted herewith is a legible copy of (i) each foreign patent or application; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

- ☐ c. Some or all of the documents listed on the PTO-1449 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

**III. CONCISE EXPLANATION OF THE RELEVANCE**  
**(check at least one box)**

- ☒ a. DOCUMENTS IN THE ENGLISH LANGUAGE  
The attached patents, publications, or other information in the English language do not require a statement of relevancy.
- ☒ b. DOCUMENTS NOT IN THE ENGLISH LANGUAGE  
A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:  
DE 301111A1 teaches a "coil in tank" waste water heat recovery system. A tank is used to receive, hold and release waste water, and an immersion coil is used to transport the fluid to be heated.
- ☐ c. ENGLISH LANGUAGE SEARCH REPORT  
An English language version of the search report or action that indicates the degree of relevance found by the foreign Patent Office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(A) (3).
- ☐ d. OTHER  
The following additional information is provided for the Examiner's consideration.

**IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97 (b):**  
**(check one box)**

- ☒ a. Within three months of the filing date of a national application (37 C.F.R. § 1.97 (b) (1)). No fee or statement is required. (This section is not to be used with RCE's AND CPA's.)
- ☐ b. Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97 (b) (2)). No fee or statement is required.

- ☐ c. Concurrently with the filing of a Continued Prosecution Application under 37 C.F.R. § 1.53 (d) or concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97 (b) (4)). No fee or statement is required.
- ☐ d. Before the mailing date of a first Action on the merits (37 C.F.R. § 1.97 (b) (3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97 (e) below, or, if no statement has been made, charge our deposit account in the amount of **\$180.00** as required by 37 C.F.R. § 1.17 (p).

**V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97 (c):  
(check one box)**

- ☐ a. No statement; therefore, a fee in the amount of **\$180.00** as required by 37 C.F.R. § 1.17 (p).
- ☐ b. See the statement below. No fee is required.

**VI. STATEMENT UNDER 37 C.F.R. § 1.97 (e)  
(check only one box)**

The undersigned hereby states that

- ☐ a. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- ☐ b. No item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of the IDS.
- ☐ c. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart from a

foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in the 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this statement.

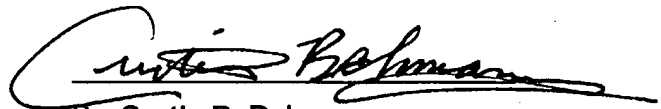
**VII. PAYMENT OF FEES**  
**(check one box)**

- ☐ A cheque in the amount of **\$180.00** as required by 37 C.F.R § 1.17 (p) is enclosed for the above-identified fee.
- ☐ Please charge Deposit Account No. 501593 in the amount required by 37 C.F.R. § 1.17 (p) for the above-indicated fee. A duplicate copy of this paper is attached.
- ☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 501593.

**If the preceding amount is incorrect, any deficiency or overpayment should also be charged or credited to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.**

Respectfully submitted,  
**Gerald W.E. VAN DECKER et al.**



By: **Curtis B. Behmann**  
Registration No. **52,523**  
**BORDEN LADNER GERVAIS LLP**  
World Exchange Plaza  
1100-100 Queen Street  
Ottawa ON K1P 1J9  
Telephone 613-237-5160  
Facsimile 613-787-3558  
E-mail [ipott@blgcanada.com](mailto:ipott@blgcanada.com)

CBB/SUM/sum  
Encls.

☒ PTO-1449

<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE STATEMENT</b>				<b>Complete if Known</b>	
				Application No.:	not yet assigned
				Filing Date:	
				First Named Inventor:	Gerald W.E. VAN DECKER et al.
				Group Art Unit:	
Examiner Name:					
Sheet	1	of	3	Attorney Docket No.:	PAT 976-2

### U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No.	Date of Publication mm-dd-yyyy	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		4,289,196	09-15-1981	Jabsen et al.	
		4,697,636	10-06-1987	Mellsjö	
		6,076,597	06-20-2000	Manning et al.	
		4,253,225	03-03-1981	Wright et al.	
		5,423,378	06-13-1995	Dillenbeck et al.	
		1,926,342	09-12-1933	Lippencott	
		2,137,044	11-15-1938	Dawson	

### FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Patent Document No.	Date of Publication mm-dd-yyyy	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ✓	Check if English Translation is attached
		DE 3011111A1	10/01/1981	gleich Anmelder			

### OTHER DOCUMENTS


Examiner Signature:	Date Considered:
<b>EXAMINER:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if in conformance and not considered. Include copy of this form with next communication to applicant.	

<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE STATEMENT</b>				<b>Complete if Known</b>	
				Application No.: not yet assigned	
				Filing Date:	
				First Named Inventor: Gerald W.E. VAN DECKER et al.	
				Group Art Unit:	
Examiner Name:					
Sheet	2	of	3	Attorney Docket No.: PAT 976-2	

### U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No.	Date of Publication mm-dd-yyyy	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		2,697,868	12-28-1954	Arant	
		4,599,773	07-15-1986	Sievers	
		6,546,999	04-15-2003	Dienhart et al.	
		4,352,391	10-05-1982	Jönsson	
		4,619,311	10-28-1986	Vasile et al.	
		4,341,263	07-27-1982	Arbaban	
		4,256,176	03-17-1981	Cohen	

### FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Patent Document No.	Date of Publication mm-dd-yyyy	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ✓	Check if English Translation is attached

### OTHER DOCUMENTS


Examiner Signature:	Date Considered:
<b>EXAMINER:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if in conformance and not considered. Include copy of this form with next communication to applicant.	

<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE STATEMENT</b>				<b>Complete if Known</b>	
				Application No.:	not yet assigned
				Filing Date:	
				First Named Inventor:	Gerald W.E. VAN DECKER et al.
				Group Art Unit:	
Examiner Name:					
Sheet	3	of	3	Attorney Docket No.:	PAT 976-2

### U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No.	Date of Publication mm-dd-yyyy	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		4,346,759	08-31-1982	Cohen et al.	
		5,379,832	01-10-1995	Dempsey	
		4,893,672	01-16-1990	Bader	
		4,451,960	06-05-1984	Molitor	
		1,965,553	07-03-1934	Lear	
		1,840,940	01-12-1932	Ecabert	

### FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Patent Document No.	Date of Publication mm-dd-yyyy	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ✓	Check if English Translation is attached

### OTHER DOCUMENTS


Examiner Signature:	Date Considered:
<b>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if in conformance and not considered. Include copy of this form with next communication to applicant.</b>	